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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

DEC 23 1997

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

| | | |
|-----------------------------------|---|-------------------------|
| In Re Applications of |) | WT Docket No. 97-199 |
| |) | |
| WESTEL SAMOA, INC. |) | File No. 00560-CW-L-96 |
| For Broadband Block C Personal |) | |
| Communications Systems Facilities |) | |
| |) | |
| and |) | |
| |) | |
| WESTEL, L.P. |) | File Nos. 00129-CW-L-97 |
| |) | 00862-CW-L-97 |
| For Broadband Block F Personal |) | 00863-CW-L-97 |
| Communications Systems Facilities |) | 00864-CW-L-97 |
| |) | 00865-CW-L-97 |
| |) | 00866-CW-L-97 |

JOINT MOTION FOR PROTECTIVE ORDER

Third party witness Mr. Javier Lamoso, third party ClearComm, L.P., the Wireless Telecommunications Bureau and Westel, L.P. have agreed to the entry of a proposed "Stipulated Protective Order," attached hereto as Exhibit A. In this Joint Motion, the parties move for entry of the proposed order under Section 1.313 of the Commission's rules.

The purpose of the protective order is to regulate the parties' use and disclosure of certain discovery materials (documents, deposition testimony, etc.) obtained in this proceeding from ClearComm and Mr. Lamoso.¹ These

¹ The specific materials are: Minutes of the Board of Directors of Unicom on February 19, 1996 (6-00011-25); Handwritten notes of Lawrence Odell, Secretary of Unicom, concerning January 27, 1996 Board of Directors Meeting (Continued...)

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materials were sought as part of the deposition of Mr. Lamoso.² ClearComm has previously produced these documents to the Commission with a request for confidential treatment under 47 C.F.R. §§ 0.457, 0.459.³ This protective order is designed to protect the integrity of that request and to prevent any disclosure in this proceeding from being construed as a waiver of ClearComm's confidentiality claims.

(...Continued)

(000320-000349); and Handwritten notes of Lawrence Odell, Secretary of Unicom, concerning the March 15, 1996 Board of Directors Meeting (000399-000416).

² A Notice of Deposition for Mr. Lamoso was served on December 1, 1997. Mr. Lamoso's deposition took place on December 10, 1997, pursuant to a subpoena issued by the Presiding Officer on December 3, 1997.

³ The Commission has not ruled on ClearComm's confidentiality request. This joint motion in no way impacts that determination.

Therefore, Westel, the Wireless Telecommunications Bureau, ClearComm
and Mr. Lamoso urge the Presiding Officer to grant this Joint Motion.

Respectfully submitted,

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Dated: December 23, 1997

EXHIBIT A

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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| |) | 00865-CW-L-97 |
| |) | 00866-CW-L-97 |

ORDER

The Presiding Officer, having considered the Joint Motion for Protective Order and finding good cause, hereby grants the motion.

ClearComm, L.P. and Mr. Javier Lamoso, its President, shall produce the required documents¹ to Westel, provided, however, that the documents and any testimony concerning their terms shall be treated by all parties to this action, including the Wireless Bureau, as "Confidential Information."

¹ At this time, the following documents are subject to this order: Minutes of the Board of Directors of Unicom on February 19, 1996 (6-00011-25); Handwritten notes of Lawrence Odell, Secretary of Unicom, concerning January 27, 1996 Board of Directors Meeting (000320-000349); and Handwritten notes of Lawrence Odell, Secretary of Unicom, concerning the March 15, 1996 Board of Directors Meeting (000399-000416). Other documents may be subsequently added to the scope of the protective order.

To the extent that deposition testimony concerns Confidential Information, it shall be transcribed separately and be separately bound with a designation as "Confidential Information." To the extent that Confidential Information is the subject of hearing testimony, the court room will be cleared of unauthorized personnel and the hearing transcribed separately and separately bound with a designation as "Confidential Information."

Confidential Information shall be used by any person, other than the Bureau, receiving such information solely in this action and shall not be disclosed to other persons. In no circumstances shall the Confidential Information be made public or distributed to any person other than as permitted by this Protective Order.²

Other than in connection with testimony in this proceeding, Confidential Information shall be given, shown, disclosed, or otherwise made available by Westel only to:

- a) Attorneys of record for the parties to the action, their legal and paralegal assistants, investigators, secretaries, and other personnel assisting them;
- b) The parties, their respective officers, directors, partners, principals, trustees, and/or employees whose assistance in preparation of such party's case is necessary;

² Nothing in this Order in any way impacts the Bureau's consideration of ClearComm's Request for Confidentiality under 47 C.F.R. §§ 0.457, 0.459.

Any portion of a pleading or other document which quotes, discusses, or includes any Confidential Information shall be filed separately with the Presiding Officer under seal.

The restrictions on communication and disclosure of Confidential Information set forth herein shall survive the termination of this action and shall continue to be binding on all persons to whom such Confidential Information has been communicated or disclosed.

Any party may apply to the Presiding Officer for a modification of the terms of this Protective Order.

SO ORDERED this ____ day of January, 1998.

The Honorable Arthur I. Steinberg